App F IX 4

Previous References

MC 42 - 41 — s 6
120 - 39 — 4 7
130 — 39 — 7 8

Later References

1941 (MC)

MC File No 112 — 41
Serial Nos 27 , 28

GENERAL AND REVENUE SECRETARIAT.*

Serial Nos 2

Part B for Feb 1942

SUBJECT

Levy of profession tax in Chikmagalur town

To The D C Kadur

Sl 28) L 7182 Dt 11 — 2 - 42

Issues certain instructions re

the ——

Dt 24/2/42

N260/1

Levy of profession Tax in Chikmagalur Town

General and Revenue Secretariat

ML File No of 1939 [App I III 2

Serial No

Letter no A 3 2062/38 39 dt 5-2 40 from the D C Kadur Dist requesting Sanction to the proposal of the Chikmagalur Town Municipal Council to levy professional tax in Chikmagalur Town

1) The records show that the formalities prescribed in this behalf have been observed by the Municipal Council

2) In response to the notification calling for objections against the levy of the profession tax, a few petitions have been received and considered by the M C

Flags A, 1

3) The main objections of the petitioners are that-

1) Most of the residents in the Town are too poor to bear the burden of the new tax

2) The amenities afforded in the Town by the M C do not justify the levy of this tax

3) The cost of living at the place is considerably high

The Schedule to section 61 clause (vi) of the T M Act prescribes the maximum rates that can be levied and the said rates have been proposed to be fixed

NOTE Contd Sheet

Levy of profession tax in Cheramangalam Town

ML File No | of 1939 | General and Revenue Secretariat

Serial No

in this case

4 In the objections, petitions received by the Municipality it is contended that the cost of living in the Town has been high while the amenities at the place are scanty and in view of this, it is for consideration if persons with an income of Rs 30/- may be subjected to this tax

pensioners have also been included in the Schedule and it is a point if a pensioner can be regarded as having a profession, unless it is deemed to be so

5 Bye-laws in respect of the proposed tax have been framed and they are after the approved bye-laws obtaining in other Municipalities — Appx. — X

6 The following proviso to rule no 7 may perhaps be added, to better empower the Municipality in the matter

Additional para to rule 7:-

"provided that any person carrying on a profession failing to furnish the return required in this rule shall not be entitled to question the valuation of his income as determined by the President:

provided further that any person

4260
— L

Levy of Profession Tax in Chikmagalur Town

General and Revenue Secretariat

ML File No of 1939 [App I III 2

Serial No

Carrying on a profession furnishes the information required in this rule and the President is not satisfied with the return so furnished, the President shall make the necessary enquiries and determine the income of the said person

2 In the 2nd sentence of rule 9 it is stated that sections 65 to 68 of the T M Act shall apply Mutatis Mutandis The application of the said sections would not perhaps be appropriate and also seem to be unnecessary Therefore, the sentence referred to, may perhaps be deleted in consultation with the Law Sec'y

3 It is perhaps desirable to recover the tax in two equal half yearly instalments If this is acceptable, the rule 12 may be amended by inserting the words "in advance in two equal half yearly instalments" between the words payable and "in July" etc

Submitted

Rms
26/2/40 4 The proposal of the Chikmagalur Municipal Council to levy a tax on trades, professions etc under Sec 61 (b) (xi) of the Mysore Municipalities Act 1933 The draft rule framed therein are

NOTE—Cut Sheet

Levy of profession tax in the Chinnamanalam Township

File No of 19

General Revenue Secretariat

Serial No

flapped R. The proposals have been examined with reference to the rules & bylaws in force on the subject in other municipalities in the State and on this connection the following points are for consideration:—

1) A perusal of the budget of the Chinnamanalam Township for the years 1938-39 and 1940-41 shows the following provision under Revenue on profession & trades & Hospital tax —

	1938-39	1940-41
1) Taxes on profession & trades	Rs 750	Rs 757
(2) Hospital tax	Rs 2000	2400 (including vehicles tax)

11) As no relief from taxation with a tax on profession & trades is already being levied & received, in addition to the hospital tax of so, the necessity for the rule now proposed is not forthcoming

2). If the hospital tax only being levied now & it is proposed to introduce profession tax now, it must be made clear in the rules that the persons subjected to the former levy, are exempt from the payment of the latter when imposed (vide proviso to Sec 6 (1) (b) (xii) of the Act)

Levy of profession Tax — in the Chittaranjan Municipality

Serial No

R

12) The draft rules now proposed should be separated into Rules under 46(h) and Bylaws under 87(1)(2) as has been done in the case of the Howrah Municipality. The forms should be changed wherever necessary to bring them in line with the Municipal

13) The limit up to which the tax is proposed to be levied is Rs 3/- Even in Bhagalpur it, the limit was raised to Rs 5/- in view of the objection petitions received which are in the file, the question requires to be reconsidered so as to fix the limit at Rs 5/-

14) There is no information as to the approximate amount of revenue that may be anticipated by this levy

15) Action has to be taken in the above lines to complete the proposals before they can be given effect to

16) The D.C Howrah has suggested in para 2 of his letter that regulations may be prescribed in this behalf so as to be applicable to all the cities in the State But the Municipal Act contemplates framing of rules by each individual local body so as to suit the circumstances of each as far as the rates etc are concerned, the provisions of which are presented in the Schedule No V

Also for rules of procedure, levy, etc for hearing

NOTE—Contin Sheet

Levy of profession tax in Chickamagalur Municipality 1942-43

File No 4493/L of 1935-42 General and Revenue Secretariat

Serial No

There therefore no necessity to pass any definite orders or to issue general rules in the matter

Submitted for orders

Hon 14/12/42

The Deputy Commissioner Kadur

No A3/C 2062/37-38-25 dt 1/12/42

Request early orders of Govt re levy of profession tax in the Chickamagalur Town Mty

The proposals have been scrutinized with regard to the bye-laws & rules in force in other Mtys in the State They are defective & require revision

A detailed draft letter calling for further information etc is submitted herewith if may be approved

Law Secy 7/12/42

BGOY LAW DEPT 1094 GOVT OF MYSORE

Hon 4/12/42 Issue

Law Secy 7/12/42

To

The D C Kadur Dist

No L 7182 dt 11-2-42

Issues certain instructions

If appl from Kadur may be chosen & taken up when a appl is received

Yes pl

Law Secy 14/12/42

B

S

4260

No. S 2062/38-39 Office of the Deputy Commissioner, Kadur District
Encl 1 file Chikmagalur, dated the 5th February 1940

From

E V Ganapati Iyer, Esquire, B Sc,
Deputy Commissioner, Kadur District,
Chikmagalur

HE 112-41-27

C Subrahmanya Aiyar, Esquire, B A, B L,
Secretary to Government of Mysore,
LAW DEPARTMENT,
Bangalore

Sir,

Re - LEVY OF PROFESSIONAL TAX IN CHIKMAGALUR TOWN

I have the honour to forward herewith for favour of obtaining sanction of Government, the file of papers received from the President Chikmagalur Municipality re the levy of Professional Tax in Chikmagalur Town. The rates proposed and the class of persons to be taxed are in accordance with the provisions of the Town Municipalities Act. The formalities prescribed have been observed. The Council have considered the several objections received in this behalf and have resolved that they are very general in character and the proposed levy may be sanctioned. I therefore request you to kindly obtain the orders of Government sanctioning the levy.

In this connection, I wish to state that as this Tax affects all classes of persons and is being levied only by some Municipalities here and there though the circumstances relating to its levy exist commonly in all the Municipalities generally, I think it is desirable that regular rules are prescribed by Government for the guidance of all Municipalities.

I have the honour to be,

Sir,

Your most obedient servant,

E V Ganapati Iyer

Deputy Commissioner,

Kadur District

mns

6900
L

SECY LAW DEPT 10 MAY 1940 GOVT OF MYSORE

No A3-2062/37-38

Office of the Deputy Commissioner,
Kadur District,
Chickmagalur, dated, the 8th May 1940

From

H V Ganapati Iyer, Esquire, B Sc,

Deputy Commissioner,
Kadur District

To

H V Narayana Rao, Esquire, B A, B L,

Secretary to Government,
Law Department,
Bangalore

Sir,

Regarding levy of professional tax in Chickmagalur Town Municipality

I have the honour to invite kind reference to this Office letter of even number dated 5th February 1940, on the above subject and request the favour of early orders of Government in the matter

where as here pending

I have the honour to be

Sir,

Your most obedient servant,

H V Ganapati Iyer

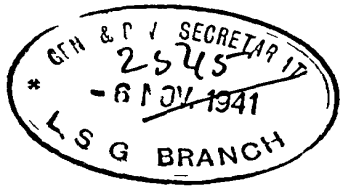
Deputy Commissioner,
Kadur District

hpr

No A3-C 2062/37-38 Office of the Deputy Commissioner,
Kadur District,
Chickmagalur, dated, the 29th October 1941

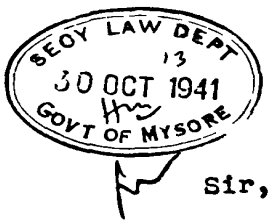
From

C E Noronha, Esquire, M A,
Deputy Commissioner,
Kadur District



Mr KHS

To



H V Narayana Rao, Esquire, B A, LL B,
Secretary to Government,
Law Department,
Bangalore

Sir,

Regarding levy of professional tax in Chickmagalur Town

I have the honour to invite kind reference to this office letter No A3-C 2062/37-38 dated 5th February 1940 and the subsequent seven reminders thereon, regarding the above, and to request that early orders of Government may kindly be obtained thereon, as the current is unnecessarily pending for over three years in this Office

These papers have already been submitted

I have the honour to be
Sir,
Your most obedient servant,

Assistant Commissioner,
For Deputy Commissioner,
Kadur District,
(Absent on casual leave)

H P R

44931/

No A3 C 2062/37-38

Office of the Deputy Commissioner,
Kadur District,
Chickmagalur dated, 27th Jan 42

From

C E Noronha, Esquire, I A,
Deputy Commissioner,
Kadur District

To

H V Narayana Rao, Esquire, B A, L L B,
Secretary to Government,
Law Department,
Bangalore

SECY LAW DEPT - 29 JAN 1942 GOVT OF MYSORE

Sir,

Re - Levy of professional tax in Chickmagalur Town

I have the honour to invite kind reference to this Office letter No A3 C 2062/37-38 dated 5th February 1940 and the subsequent eight reminders on the above subject and to request the favour of early orders of Government on the matter

I have the honour to be,
Sir,
Your most obedient servant,

27/1
Deputy Commissioner,
Kadur District

C V

Appendix F G—1]

SUBJECT

Section HQ
File No 112-61
Serial No 28

Diary No of letter replied to

No L7182/Ex records

To The Deputy Commr
Kadur Dist

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 11th Feb 42

With reference to the correspondence ending with your letter no Ag C 2062 37-38 dated 29/4/38 re levy of profession tax in Chikmagalur Dist, I am directed to observe as follows:—

1) This exempts the Municipal Boards of the Dist from levying that provision has been made as above in the margin under profession Tax & Shop and

Signed by Mr G Ramachandra Rao

List of enclosures

Copied by Jayaram Trust

Examined by

It is not clear whether a tax on property
stands as already being levied
— in addition to the property tax? If so, the
necessity for the present proposals is not
clear. What the nature of these two taxes are
may be known if explained definitely
if the property tax is being levied and
if it is proposed to introduce professions
tax, it must be made clear in the rules proposed
that the persons subjected to the
former tax are exempt from the
payment of the latter when imposed
(vide proviso to sec 61(6) (xii)
of the Income Tax Act 1922)

3) The draft rules now proposed should
be separated into rules under sec 46(6)
and bylaws under sec 57(1)(2)
of the Act as has been done in the
case of the Madras Municipal Towns Act
for reference in making assessments & rating)

4) The form of the return requires to be
suitably revised

5) In view of the objections received,
the question perhaps requires to be examined
as to whether the limit of taxation may not be
revised for an income of Rs 3000 & the
Lowest assessees may also be exempt from payment of the tax

G R S App F G 3

GFNERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*

The approximate amount of revenue that may be anticipated by the levy may kindly be indicated

~~further action may~~

We shall may be advised to take further action on the receipt of the above mentioned & resubmit the draft Bye laws for the approval of Govt after observing the prescribed formalities

The records accompany

I have the

I Hm

2

4 2 46

Secretary

Law Dept